

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

TYRONE HURT,)
)
Plaintiff,)
)
v.) Docket no. 1:14-cv-484-GZS
)
LANIER, et al.,)
)
)
Defendants.)
)

ORDER OF DISMISSAL & COK WARNING

Plaintiff Tyrone Hurt, a resident of Washington D.C., began filing *pro se* actions with this Court in August 2014.¹ His first action, *Hurt v. Ferguson, Missouri, et al.* (D. Me Docket # 1:14-cv-337-GZS), was filed on August 21, 2014 and subsequently dismissed for failure to state a claim. (*See* ECF Nos. 5 & 8 in D. Me. Docket # 1:14-cv-337-GZS.) Plaintiff filed a notice of appeal of that dismissal on November 12, 2014. (*See* ECF No. 10 in D. Me. Docket # 1:14-cv-337-GZS.)

His second action, *Hurt v. Boasberg et al.* (D. Me. Docket # 1:14-cv-396-GZS), was filed on October 6, 2014 and named as defendants a federal judge, the United States Secret Service, and the D.C. City Council. In that case, a pending Recommended Decision found the complaint is likewise subject to dismissal after review in accordance with 28 U.S.C. § 1915(e)(2). Plaintiff has until December 1, 2014 to file objections to the Recommended Decision.

¹ The Court notes that based on its own PACER search Tyrone Hurt has appeared as a *pro se* plaintiff in a number of other districts throughout the country. *See, e.g., Hurt v. Koch et al.*, S.D. Ohio Docket # 1:14-cv-428-MRB-SKB (case dismissed and filing restrictions placed on Hurt as of June 23, 2014); *Hurt v. Center of the World et al.*, S.D.N.Y Docket # 1:14-cv-7710-LAP (case summarily dismissed and violation of previous filing restrictions noted as of September 30, 2014).

In Hurt's third action, *Hurt v. LNU et al.* (D. Me. Docket # 1:14-cv-416-GZS), he has just complied with a prior order requiring him to file an application to proceed *in forma pauperis*. (See ECF No. 4 in D. Me. Docket # 1:14-cv-416-GZS.) The Court has filed an order granting that application but dismissing the case pursuant to 28 U.S.C. § 1915(e)(2).

Apparently not dissuaded or satisfied by his first three cases in the District of Maine, the Court has received additional complaints from Plaintiff in the last two weeks naming a wide variety of defendants. These new cases have been docketed as D. Me. Docket #s: 1:14-cv-461-GZS, 1:14-cv-463-GZS, 1:14-cv-464-GZS, 1:14-cv-465-GZS, 1:14-cv-466-GZS, and this case. Like his prior complaints, Mr. Hurt's handwritten pleadings in all of these cases are barely legible. His substantive allegations, to the extent they can be discerned, do not appear to give rise to a case or controversy over which this Court would have jurisdiction. While it appears that Plaintiff attempts to include in his latest complaints an affidavit pursuant to 28 U.S.C. § 1915, these inserts do not qualify as an application to proceed *in forma pauperis*.² Generously construing the insert in the present Complaint (ECF No. 1) to contain a request to proceed *in forma pauperis* and assuming Plaintiff's financial information is as represented in his most recently filed application to proceed *in forma pauperis* (ECF No. 4 in D. Me. Docket # 1:14-cv-416-GZS), the Court hereby GRANTS Plaintiff leave to proceed *in forma pauperis* in this action.

In accordance with 28 U.S.C. § 1915(e)(2), the Court is now required to DISMISS this action. The Court readily finds the present Complaint is frivolous and fails to state any cognizable claim. Taking judicial notice of the other actions Plaintiff has recently filed with this Court as well

² As a result, in D. Me. Docket #s: 1:14-cv-461-GZS, 1:14-cv-463-GZS, 1:14-cv-464-GZS, 1:14-cv-465-GZS, 1:14-cv-466-GZS, Plaintiff already has been instructed to pay the filing fee or file a proper application to proceed *in forma pauperis* by separate orders docketed in each case. The Court will await Plaintiff's responses to those orders before taking any further action on these complaints.

as his filing history in other districts, there is ample evidence that Hurt is an abusive and vexatious litigant.

Given the number and quality of Hurt's filings to-date, the Court is concerned that Hurt will continue to make frivolous filings with this Court that waste both judicial time and resources. Therefore, the Court hereby WARNS Tyrone Hurt that if he continues to mail further illegible or frivolous filings this Court, he may be restrained from filing any future complaints with this Court as well as subject to other filing restrictions and sanctions. *See Cok v. Family Court of Rhode Island*, 985 F.2d 32 (1st Cir 1993) (requiring that the Court warn any litigant before restricting the litigant's ability to file). Mr. Hurt is well aware of the impact of these restriction because they have been imposed on him by other courts. *See, e.g., In re Hurt*, 531 Fed. App'x 358 (4th Cir. 2013) (affirming pre-filing restrictions imposed by the District of Maryland); *Hurt. v. All Sweepstakes Contests*, Docket # C-12-4187 EMC, 2013 WL 144047 (N.D. Cal. Jan. 11, 2013) (declaring Hurt a vexatious litigant and ordering the Clerk to reject any further complaints).

The Clerk is directed to DISMISS this action and mail a copy of this Order to Plaintiff in order to notify him that further frivolous filings will result in sanctions and filing restrictions in this District. Additionally, the Court certifies that any appeal from this Order would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 19th day of November, 2014.